IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Bail Appl..No. 1354 of 2007()

CRIME NO.74/07 OF THE HARBOUR POLICE SATION

: PETITIONER/ACCUSED:

K.C.THOMAS, S/O.CHACKO,
AGED 59 YEARS, KATTAMPALLIL,
THATHAMPALLY, ALAPPUZHA.

BY ADV. SRI.BABU S. NAIR
SRI.ABRAHAM SAMSON

RESPONDENTS: STATE:

THE STATE OF KERALA, REPRESENTED BY
THE STATION HOUSE OFFICER,
COCHIN HARBOUR POLICE STATION,
WELLINGDON ISLAND, COCHIN-THORUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY DGP SRI.P.G.THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1354 OF 2007

Dated this the 7th day of March, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the first accused in Crime No.74/2007 of the Harbour Police Station for offences punishable under Secs.280 and 431 read with section 34 I.P.C. and Section 151 of the Indian Railways Act, seeks anticipatory bail.

2. The occurrence took place at about 11.30 a.m. on 24.2.2007. The petitioner was the Pilot of a Dredger by name Kamal 28, which was attempting to navigate across the Venduruthi Bridge at Cochin, when the Dredger hit against three pillars of the railway bridge causing disruption of road and rail traffic along the bridge, which is now under extensive repair.

3. After hearing the learned counsel for the petitioner and Sri.P.G.Thampi, Director General of Prosecution, and after considering the standing of the petitioner both before and after his retirement from Port service, I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the Circle Inspector of Police, Fort Kochi to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a

bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

b. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. Petitioner shall not commit any offence while on bail.

d. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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